

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

CC DOCKET 96-98

In the Matter of)
Petition of Florida Public Service)
Commission for Authority to)
Implement Number Conservation)
Measures)

NSD File No. L-99-33

DA 99-725

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COMMENTS OF GTE

Dated: May 14, 1999

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SUMMARY

The FPSC Petition for delegated authority to implement number conservation measures should be denied.

The FCC's policy is that a nationwide, uniform system of numbering is essential to the efficient delivery of telecommunications services in the United States. GTE agrees and supports the ongoing efforts of the NANC and other industry groups to develop consensus recommendations for national numbering administration.

While GTE recognizes the critical nature of the number exhaust problem facing the FPSC, rather than fashion a state specific solution, the FPSC should submit its number conservation proposals to the NANC and join the efforts to develop consistent national numbering practices. The Commission must not permit states to make their own determinations on number administration practices and to mandate state specific solutions that could interfere with call routing or delay the adoption of national standards. Implementation of state-specific requirements would be extremely onerous to national carriers such as GTE.

In addition to being bad policy, the FPSC Petition should be denied because it fails to comport with the requirements set forth by the Commission in the *Pennsylvania Numbering Order*. In particular, the FPSC has failed to propose a specific number plan. Rather, the FPSC seeks broad authority by which it could implement many different numbering measures. In addition, the FPSC fails to indicate that it has coordinated its number conservation proposals with the NANC.

Finally, the FPSC Petition should be denied because it seeks authority over a number of measures not contemplated in the *Pennsylvania Numbering Order*. Granting

the Petition, therefore would seriously undermine the FCC's authority over numbering issues.

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COMMENTS OF GTE

GTE Service Corporation and its affiliated domestic telephone operating and wireless companies¹ (collectively "GTE") respectfully submit these comments to the Federal Communications Commission ("FCC" or "Commission") in response to the petition for authority to implement number conservation measures filed by the Florida Public Service Commission ("FPSC").²

¹ GTE's affiliated domestic telephone operating and wireless companies are: GTE Alaska Incorporated, GTE Arkansas Incorporated, GTE California, Incorporated, GTE Florida Incorporated, GTE Hawaiian Telephone Company Incorporated, The Micronesian Telecommunications Corporation, GTE Midwest Incorporated, GTE North Incorporated, GTE Northwest Incorporated, GTE South Incorporated, GTE Southwest Incorporated, Contel of Minnesota, Inc., Contel of the South, Inc., GTE Wireless Incorporated, and GTE Communications Corporation.

² Petition to Federal Communications Commission for Expedited Decision for Grant of Authority to Implement Number Conservation Measures, filed by the State of Florida Public Service Commission, April 2, 1999 ("Petition").

I. BACKGROUND

In September, 1998, the FCC adopted an order resolving a petition for declaratory ruling filed by the Pennsylvania Public Utility Commission.³ There, the Commission delegated additional authority to the states, in narrow circumstances, to order NXX code rationing plans, but affirmed that states have no authority to order return of NXX codes or 1,000 number blocks to the code administrator.⁴ In addition, in an effort to work cooperatively with the states to conduct number conservation or number pooling trials, the Commission encouraged state commissions to seek additional delegated authority to implement proposed number conservation methods.⁵ Although the FPSC does not cite to the *Pennsylvania Numbering Order* in the Petition, the FPSC Petition appears to be motivated by that order.

The FPSC Petition asks for broad authority to adopt any or all of the following measures:

1. institute thousand-block (and perhaps 100 block) number pooling;
2. implement sharing of central office (NXX) codes in rate centers;

³ Petition for Declaratory Ruling and Request for Expedited Action of the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610 215, and 717, NSD File NO. L-97-42, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, *Memorandum Opinion and Order and Order on Reconsideration*, 13 FCC Rcd 19009 (1998) ("*Pennsylvania Numbering Order*").

⁴ *Id.*, at 19025-19027.

⁵ *Id.*, at 19030-19031 (¶ 31). The FCC encouraged the states to first submit their proposals to the North American Numbering Council ("NANC"). The Commission stated it would seek a recommendation from NANC prior to ruling on such requests.

3. revise rationing measures and institute NXX lotteries to prolong the life of existing area codes ("NPAs");
4. reclaim unused and reserved central office codes;
5. maintain the current central office code rationing measures for at least six months after the implementation of all area code relief plans;
6. expand deployment of permanent number portability;
7. implement unassigned number porting ("UNP"); and
8. implement rate center consolidation.

In addition, the FPSC requests that it be granted express authority to use the Line Number Utilization Survey ("LINUS") to run NXX reports quarterly. The FPSC also requests that the Commission direct the North American Numbering Plan Administrator ("NANPA") to:

1. update the Central Office Code Utilization Survey ("COCUS") report quarterly, instead of annually; and
2. establish code allocation standards, including a requirement that NANPA consult with the FPSC prior to issuance of additional NXX codes.

Finally the FPSC requests authority to require wireless carriers to provide the COCUS and other information the FPSC deems necessary to carry out its responsibilities.

II. DISCUSSION

A. State specific mandates would impede the development of a national numbering policy.

In the *Pennsylvania Numbering Order*, the Commission reaffirmed that "a nationwide, uniform system of numbering is essential to the efficient delivery of telecommunications services in the United States."⁶ GTE agrees. Policies on number conservation measures should be set at a national level to derive the maximum benefit at the least cost to consumers. GTE therefore supports the ongoing efforts of the NANC and other industry groups to develop consensus recommendations for national numbering administration.⁷

GTE recognizes the critical nature of the number exhaust problem facing the FPSC. However, rather than fashion a state specific solution, the FPSC should submit its number conservation proposals to the NANC and join the efforts to develop consistent national numbering practices.⁸ NANC has already investigated many of the number conservation issues that the FPSC seeks broad authority to pursue. NANC has also developed specific recommendations on these same issue. Moreover, the Commission indicated it expects to open a rulemaking proceeding to consider number

⁶ *Id.*, at 19023 (¶ 21).

⁷ GTE has taken this position previously in filings before state commissions.

⁸ Indeed, as noted above, the *Pennsylvania Numbering Order* recommends that state commissions submit their plans to the NANC before filing for additional delegated authority.

conservation methods in the near future and that it will consider these recommendations in that proceeding.⁹

In keeping with the Commission's policy and industry activity, the Commission should continue to assert its pre-emptive authority over number administration issues to ensure uniform practices across the country. The Commission must not permit states to make their own determinations on number administration practices and to mandate state specific solutions that could interfere with call routing or delay the adoption of national standards.

Implementation of state-specific requirements would be extremely onerous to national carriers such as GTE. At present, GTE operates as a wireline carrier in 28 states and offers wireless services in 17 states. The need to track and maintain separate requirements by state would greatly increase the complexity of deployment (and its cost), create the potential for operational problems in centralized systems, and increase the likelihood of errors. National carriers would lose economies of scale for vendor engineering developments because vendors will be forced to develop multiple schemes. The added strain on engineering resources will delay deployment and further frustrate the industry's efforts to provide number conservation methods as soon as technically feasible.

⁹ *Pennsylvania Numbering Order*, at 19027 (¶ 27).

B. The FPSC Petition far exceeds the limited delegated authority contemplated in the *Pennsylvania Numbering Order*.

Although Commission has encouraged states to request additional authority to conduct pooling trials or test the viability of proposed number conservation methods, the authority requested by the FPSC in the Petition far exceeds what the Commission contemplated.

At the outset, GTE notes that the FPSC does not abide by the *Pennsylvania Numbering Order* in requesting delegated authority. In that order, the Commission clearly required that states develop specific number conservation plans and seek authority to implement those plans from the FCC. Moreover, the FCC encouraged states to present their specific proposals to NANC prior to seeking FCC authority.¹⁰ In this case, however, the FPSC has failed to develop any specific number conservation plan. Rather, the FPSC seeks broad authority to implement a wide variety of measures, some of which (for example, number portability) are not properly characterized as number conservation measures. As such, the FPSC far exceeds the very limited, specific authority envisioned by the Commission in the *Pennsylvania Numbering Order*.

In addition, the FPSC does not indicate that it has attempted to present its "plan" to the NANC as requested in the *Pennsylvania Numbering Order*. As a practical matter, the FPSC would be hard pressed to coordinate with NANC since it has not developed any specific number conservation plan.

¹⁰ *Id.*, at 19030 (¶ 31).

Aside from these general concerns, GTE believes the specific measures the FPSC seeks authority to implement far exceed the scope of what the Commission intended potentially to delegate in the *Pennsylvania Numbering Order*. GTE's specific concerns and positions relative to each measure the FPSC seeks authority to implement are set forth below.

1. Thousand-block (and perhaps 100 block) number pooling

GTE supports the national implementation of thousand-block pooling among carriers that have deployed LRN technology once national pooling guidelines are established. Thousand-block pooling is most beneficial when implemented concurrently with the introduction of an area code relief plan. Smaller block pooling such as 100 block would create enormous problems for existing assignment systems and would not increase number conservation significantly.

GTE opposes mandatory implementation of state-specific versions of thousand-block pooling. Implementation at the state level would divert critical resources from concentrating on a national number pooling effort. In the *Pennsylvania Numbering Order*, the Commission specifically required that all state number pooling experiments to be voluntary.¹¹ GTE is concerned, therefore, that the FPSC does not indicate whether any number pooling measures implemented will be voluntary.

The *Pennsylvania Numbering Order* also required that if a state implements a number pooling trial, mechanisms must be in place to ensure that carriers such as wireless companies who are not readily able to participate in pooling have access to

¹¹ *Id.*, at 19030 (¶ 30).

adequate numbering resources outside of the pooling process.¹² The FPSC likewise fails to address this issue.

2. Sharing of central office (NXX) codes in rate centers

Code sharing requires central offices and support systems to screen, route, and bill calls using the 7th digit (NPA-NXX-X). GTE favors the use of LRN/LNP technology over code sharing because LRN/LNP is a more efficient means of number optimization.

3. Rationing measures and NXX lotteries

Number allocation practices are the domain of NANPA. The FPSC has given no reason why it should be allowed to assume these responsibilities. Allowing states to impose their own requirements will interfere with NANPA's duties and result in a lack of consistency in code administration. The FPSC should participate with industry and NANPA in developing assignment and allocation guidelines that are applicable nationwide.

The Commission has allowed states to order NXX code rationing only in jeopardy situations and in conjunction with area code relief decisions, and only if the industry is unable to agree on a rationing plan.¹³ Florida is requesting authority to institute code rationing on its own without first making a decision on a relief plan for the codes listed as in jeopardy.

¹² *Id.*, at 19028-19029 (¶ 29).

¹³ *Id.*, at 19026-19027 (¶ 25).

4. Reclaim unused and reserved central office codes

GTE supports giving back unused and reserved NXX codes to NANPA in accordance with NANPA code utilization guidelines. GTE opposes, however, delegating to the FPSC authority to reclaim central office codes. The Commission has ruled that states do not have the authority to order the return of NXX codes or thousand number blocks.¹⁴

5. Maintain the current central office code rationing measures for at least six months

See item 3.

6. Expand deployment of permanent number portability

Section 251(b) of the Communications Act states that local exchange carriers ("LECs") have the duty to provide local number portability ("LNP") in accordance with Commission rules.¹⁵ States should defer to the Commission's authority. Currently, Commission rules require wireline carriers to have location routing number ("LRN") technology and LNP capability. Wireless carriers are not required to implement LNP until November 24, 2002. Any FPSC number portability requirement therefore, could run afoul of FCC rules.

7. Unassigned number porting ("UNP")

GTE opposes UNP because of the questionable legality of taking numbers allocated to one service provider ("SP") and transferring them to a competitor. UNP

¹⁴ *Id.*, at 19025-19026 (¶ 24).

¹⁵ 47 U.S.C. § 251(b).

could disrupt business plans and send the wrong market signal by allowing SPs with no assigned numbers to raid the resources of other providers.

8. Rate center consolidation ("RCC")

GTE supports rate center consolidations for wireline carriers in contiguous areas with identical local calling plans as a viable number conservation tool. RCC is within the scope of state authority and does not require a waiver from the Commission.

9. Sequential number sequence

The FPSC is currently conducting a hearing on requiring telephone numbers to be issued consecutively, beginning with the lowest number available. GTE opposes such a requirement, but rather encourages code holders to assign numbers in a logical manner to maximize the number of thousand-blocks that are free from assigned numbers. Code holders must have the flexibility to respond to the business and technical needs of customers. Recent orders in Texas and Pennsylvania have actually made utilization of number blocks less efficient due to some unintended assignment restrictions.

10. Use LINUS to run NXX reports quarterly

Since GTE has not had the opportunity to review the LINUS format, it reserves the right to review at a later date to determine whether it can run quarterly NXX reports. GTE would not object to providing such a report if it would aid the FPSC in evaluating number resources.

11. The requirement for quarterly COCUS reports

GTE opposes the FPSC's request to have NANPA update the COCUS reports on a quarterly basis. GTE believes such a requirement would be unnecessary and

burdensome. Quarterly reports will provide little incremental benefit beyond the present annual reporting requirement. While the FPSC contends that the COCUS data could change rapidly in a short timeframe, such changes may be misleading because of seasonal factors. For instance, the peak period for wireless customer adds occurs in the 4th quarter. Areas with transient populations such as resorts and university locations would also experience seasonal fluctuations.

GTE notes that it has already responded to the FPSC's request for COCUS information at the thousand-block level for its wireline operations and at the 10,000 block level for its wireless operations.

12. Requiring NANPA to consult with the FPSC before issuing additional NXX codes

The Commission should not require NANPA to consult with the FPSC prior to issuing additional NXX codes. Such a requirement would hamper NANPA's ability to perform its duties by slowing the process of code assignment and giving the FPSC an undue advantage over other state commissions. It is not clear what value, if any, the FPSC could add to this process. Today the NANPA is working under an extremely short time frame to try to get numbers assigned and working in 66 days from the date of request. This deadline is difficult to achieve with the current system and would be impossible with additional oversight. Delays in assignment would negatively impact company business plans and ultimately the customer.

13. Requiring additional information from wireless carriers

The Commission should deny the FPSC's request for authority to require additional information from wireless carriers as too vague and open-ended. As worded, this language leaves wide open the types of data that could be requested by the FPSC.

The FPSC is seeking COCUS and other utilization data from all code holders to investigate the feasibility of various pooling scenarios. However, it cannot compel wireless carriers to participate in pooling trials. The Commission has already concluded that wireless carriers should not be required to participate in number pooling earlier than it is technically feasible to do so.

The FPSC has also requested utilization data from wireless carriers to evaluate rate center consolidation. However, this type of data would not have the same meaning for wireless carriers as for wireline carriers. Currently, wireless carriers take numbers only out of a very small number of rate centers. The FPSC's request would be burdensome for wireless carriers to compile and the Commission should not give the FPSC authority to compel the production of costly data without a meaningful end.

III. CONCLUSION

GTE's comments demonstrate that the FPSC Petition should be denied. Granting the FPSC Petition would be bad policy because state specific mandates impede the establishment of a national numbering policy. Rather than implement state specific solutions, the FPSC and other state commissions should work within the framework of existing industry forums to promulgate a national set of numbering rules which reflect the concerns of all parties.

The FPSC Petition should also be denied as a matter of law. The Petition fails to set forth a specific number conservation plan as required under the *Pennsylvania Numbering Order*. Moreover, the FPSC Petition far exceeds the scope of the type of authority the FCC contemplated delegating in the *Pennsylvania Numbering Order*.

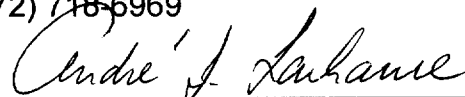
Dated: May 14, 1999

Respectfully submitted,

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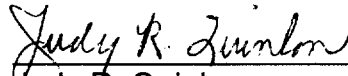
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CERTIFICATE OF SERVICE

I, Judy R. Quinlan, hereby certify that copies of the foregoing "Comments of GTE" have been mailed by first class United States mail, postage prepaid, on May 14, 1999 to the parties listed below:

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